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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:

**VINCENT THAKUR SINGH and
MALANIE GAY SINGH,**

Debtors.

Case No. 10-42050-D-7
DCN: MFB - 3

DATE: December 15, 2010
TIME: 10:00 AM
DEPT: D
COURTROOM: 34 (6th Floor)

TRUSTEE'S MOTION TO SELL REAL PROPERTY
OF THE ESTATE AND PAY REALTOR'S COMMISSIONS
(11 USC §363)

TO: THE HONORABLE ROBERT S. BARDWIL, JUDGE
UNITED STATES BANKRUPTCY COURT

The undersigned, Michael F. Burkart, being the duly appointed Trustee in the Bankruptcy Estate of Vincent Thakur Singh and Malanie Gay Singh, (the "Debtors"), requests that this Court approve the sale of the Bankruptcy Estate's interest in that certain real property previously owned by the Debtors, including payment of realtor's commissions, real property taxes and sale costs from the sale proceeds. The Subject Property is comprised of a comprised of a 0.22 acre lot improved with a duplex residential dwelling of 1,800 square feet constructed in 1974, and is commonly known as 2501 & 2503 Plumeria Court, City of Ceres, County of Stanislaus, California, (APN: 040-061-004-000) (the "Subject Property"). The Trustee respectfully represents as follows:

1. The Debtors filed a voluntary Chapter 7 Bankruptcy Petition on August 19, 2010, and an Order for Relief was entered thereon.
2. Michael F. Burkart was appointed as the Interim Chapter 7 Trustee on or about August 20, 2010, and continues to serve in that capacity.

1 3. The Debtors' Schedule "A" filed on August 19, 2010, disclosed real property described
2 as "Rental Property: 2501 / 2503 Plumeria Court, Ceres, CA 95307", (the "Subject Property"),
3 having a market value of \$117,000.00.

4 4. Pursuant to the Debtors' Schedule "C" also filed on August 19, 2010, there has been no
5 monetary exemption claimed pertaining to the Subject Property.

6 5. The Debtors' Schedule "D" filed on August 19, 2010, disclosed no indebtedness nor liens
7 secured by the Subject Property.

8 6. A preliminary search of the Public Records of Stanislaus County has revealed fee simple
9 title vested under the name of Vincent T. Singh, an married man, pursuant to a Grant Deed recorded
10 on or about April 1, 2010.

11 7. On November 19, 2010, pursuant to the Trustee's Application, the Court issued an Order
12 Authorizing Employment of Andrew R. Rowan, dba Rowan Realty, as the Real Estate Agent for
13 Trustee pertaining to the Subject Property.

14 8. The Trustee has entered into a Residential Purchase Agreement with Rajesh Narayan and
15 Shammi Narayan (the "Buyers"), or their assigns, to sell the Subject Property in an "as is" condition
16 for \$115,000.00 (all cash) subject to U. S. Bankruptcy Court approval and potential overbidding at
17 the Court hearing. The pending sale escrow is to close within thirty (30) days from November 30,
18 2010. As such, the Trustee requests that the Court grant a request to waive the 10-day stay as
19 provided under Rule 6004(g).

20 9. A true and correct copy of the Residential Purchase Agreement is submitted herewith as
21 Exhibit No. 1 and made reference herein.

22 10. The Court has jurisdiction over the current motion under 28 U.S.C. sections 1334 and
23 157(a). This Motion is a core proceeding under 28 U.S.C. section 157(b)(2)(N).

24 11. The pending sale agreement with the Buyer provides that the Trustee, as Seller, shall pay
25 the normal costs attendant to a residential sale (i.e., recording fees, documentary transfer tax, notary
26 fees, pro rated real property taxes, repairs necessary to close) and 50% of title insurance and escrow
fees. Additional charges against the Seller's funds will be for the payment of realtors' commissions
in the total amount of \$6,900.00 (or 6.0% of sale price) as provided in the pending sale agreement.

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12. Based upon the foregoing, the Trustee requests authority to pay all of the Seller's costs as provided in the pending Sale Agreement including the realtors' commissions (computed at 6.0% of sale price) and to pay any secured liens in favor of the Stanislaus County Tax Collector.

13. At the hearing, the Trustee will request that the Court solicit overbids. The Trustee further requests that overbids, if any, be submitted in minimum increments of \$2,000.00 from qualified bidders who must contact the Trustee at least twenty-four hours prior to this hearing. The successful bidder will be required to remit a deposit of \$15,000.00 to the Trustee prior the Court hearing.

WHEREFORE, the undersigned Chapter 7 Trustee respectfully requests that this Court approve the sale of the Estate's interest in the Subject Property and issue an order providing as follows: A.) Authority to sell the Subject Property for \$115,000.00; B.) Authority to pay all costs attendant to the sale, including but not limited to, recording fees, documentary transfer tax, notary fees, pro rated real property taxes, title and escrow fees, repairs necessary to close and the realtors' commissions; C.) Authority to pay the recorded liens in favor of Stanislaus County Tax Collector; D.) Authority to pay any and all post-petition utility services; E.) Grant the Trustee's request to waive the 10-day stay as provided under Rule 6004(g); and, F.) Authority for the Trustee to execute all documents, including a grant deed, necessary to complete this contemplated sale.

Respectfully submitted,

Dated: Nov. 23 , 2010

/s/ Michael F. Burkart
Michael F. Burkart, Bankruptcy Trustee